

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY****REGION 8****999 18<sup>TH</sup> STREET- SUITE 300****DENVER, CO 80202-2466****Phone 800-227-8917****<http://www.epa.gov/region08>**

Ref: 8ENF-RC

OCT 20 2004

Glenn Rogers, Chairman  
Shivwits Band of the Paiute Tribe  
P.O. Box 448  
Santa Clara, UT 84765

Re: RCRA Inspection on Shivwits Band of  
Paiute Reservation, Hecla Apex Site, Pond 2

Dear Chairman Rogers:

This letter is intended to give you notice of the Environmental Protection Agency's (EPA) upcoming inspection of Hecla Mining Company's (Hecla) final closure of the Apex Site Pond 2 (Pond 2) located on the Shivwits Band of Paiute Indian Reservation. Staff from the Resource Conservation and Recovery Act (RCRA) enforcement program plan to conduct a compliance evaluation inspection (CEI) from October 27-28, 2004.

It is our intent to adhere to the EPA Region 8 Policy for Environmental Protection in Indian Country, which commits to protecting human health and the environment on the Shivwits Band of Paiute Indian Reservation and elsewhere in Indian country. As stated in the Region 8 Tribal Policy, RCRA inspectors agree to the following protocol:

- Notification of inspections will be provided to you at least seven calendar days prior to the routine inspections.
- Entrance and exit briefings will be offered to the Tribal Chair regarding the inspection trip.
- Photographs will be limited to those for official use. We hereby request permission to take photographs of Hecla's Pond 2 to support inspection and/or compliance activities.
- Consultation with the Tribe will occur if state inspectors wish to accompany the EPA inspector on Indian lands; and
- Final inspection reports will be provided to the Tribal Chair upon completion.

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Please note that for environmental emergency situations, EPA may not be able to give the Tribe a seven-day advance notice. Likewise, the information noted above regarding the upcoming inspection is intended for internal purposes only, and should not be shared with the regulated community.

If you would like to discuss this matter further, please feel free to contact me directly at (303) 312-6051. If the Tribal Environmental Director requests an entrance and exit briefing with our inspector or copies of the final reports, or if you have any questions regarding this letter, please contact Sharon Kercher at (303) 312-6352 or Eric Johnson at (303) 312-6357. I look forward to future cooperation with your environmental protection program in protecting human health and the environment within the exterior boundaries of the Shivwits Band of Paiute Indian Reservation.

Sincerely,



Carol Rushin  
Assistant Regional Administrator  
Office of Enforcement, Compliance and  
Environmental Justice

cc: Donna Jackson, 8P-TAP  
Lara tom, Chairwoman, Paiute Indian Tribe  
Eric Johnson, 8ENF-RC  
John Krause, BIA Western Regional Office  
Amy Swanson, 8ENF-L